



Board Direction

Ref: RL06D.RL.3549

The submissions on this file and the Inspector's report were considered at a Board meeting held on October 1st 2018.

The Board decided that –

WHEREAS a question has arisen as to whether the erection of a ball catch fence which would be 22m in height and 60m in length is or is not development or is or is not exempted development:

AND WHEREAS Simon Clear & Associates on behalf of Milltown Golf Club requested a declaration on this question from Dun Laoghaire Rathdown County Council and the Council issued a declaration on the 20th day of January, 2017 stating that the matter was development and was not exempted development:

AND WHEREAS referred this declaration for review to An Bord Pleanála on the 15th day of February, 2017:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,

- (d) Parts 1 and 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the planning history of the site,
- (f) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The works of alteration to the golf course comprising the erection of a ball catch fence with a height of 22 metres and a length of 60 metres comes within the meaning of Section 3 of the said Act and are, therefore, development.
- (b) The said works to the golf course do not come within the scope of Class 34 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended), not being works incidental to the maintenance or management of the golf course.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the works of alteration to the golf course comprising the erection of a ball catch fence are development and are not exempted development.

Board Member: _____
Paul Hyde

Date: 01.10.18